

PATENT

Attorney Docket No.: PO233C6 (A-54528-9/WHI)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: SMITH, L.
)	
BERMAN, et al.)	Group Art Unit: 1813
)	
Serial No. 08/459,141)	
)	
Filed: 2 June 1995)	
)	
For: Vaccine Based on)	
Membrane-Bound Proteins)	
and Process for)	
<u>Making Them</u>)	

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to Examiner Smith, at (703) 308-4242 on October 22, 1997.

Signed: 
Judy Wilson**COMMUNICATION CONCERNING AMENDMENT AND NOTICE OF
APPEAL FILED OCTOBER 22, 1997**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This communication is being filed to withdraw a Notice of Appeal inadvertently filed by facsimile October 22, 1997 in the above-referenced case. At this time Applicants do not wish to file a Notice of Appeal and request that the inadvertently filed Notice of Appeal be ignored and discarded. The Appeal fee was to be charged to Deposit Account No. 06-1300 (Order No. A-54528-9/WHI/DAV). Applicants respectfully request that any charges be credited back to the deposit account.

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Serial No.: 08/459,141
Filed: 2 June 1995

Regarding the Amendment filed by facsimile October 22, 1997, Applicants request that this Amendment be entered and considered. However, Applicants inadvertently mislabeled and refer to this Amendment as being "after final" under 37 C.F.R. § 1.116. In fact, it is not, and should not be considered as such. However, since the Amendment is substantially correct, Applicants simply request the Examiner to relabel this document as not being under 37 C.F.R. § 1.116, rather than burdening the Patent Office by filing an entirely new supplementary document to correct this obvious error.

If the Examiner requires more than this request to rectify the errors described herein, please call the undersigned at 415 781-1989.

Respectfully submitted,

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Dated: 22 October 1997
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October 22, 1997

**TO: Examiner L. Smith
Group Art Unit 1813**

**TELECOPIER
NUMBER: 703/308-4242**

FROM: DOLLY A. VANCE

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NUMBER OF PAGES (including transmittal sheet): 3
If you do not receive clear copies of any pages, please let us know.

Attached please find A Communication Regarding Amendment and Notice Of Appeal filed for Serial No. 08/459,141 filed on 2 June 1995.

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